

REMARKS

Restriction Requirement

The Office Action has set forth a restriction requirement. In particular, the Office Action has set forth the following groups of claims:

(I) claims 12-17, 26, and 27, drawn to a method of modifying the specificity of a plant lipoxygenase, and the lipoxygenase protein,

(II) claims 12-15 and 18-25, drawn to a method of modifying the specificity of a plant lipoxygenase and the DNA encoding the enzyme, vectors, cells, and plants, and

(III) claim 28, drawn to arachidonic acid.

Applicants elect, with traverse, the claims of group I (i.e., claims 12-17, 26, and 27), drawn to a method of modifying the specificity of a plant lipoxygenase, and the lipoxygenase protein.

Reconsideration of the requirement for restriction is respectfully requested.

Discussion of the Restriction Requirement

The subject application is a U.S. national stage application based on the international application PCT/EP00/06539. The Office Action alleges that the inventions defined by the claims of Groups I-III do not relate to a single general inventive concept under PCT Rule 13.2 because they lack the same "special technical features." Under PCT Rule 13.2, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.2 defines the term "special technical features" as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art (see M.P.E.P. § 1893.03(d)).

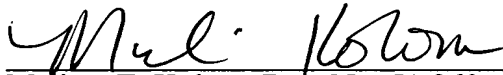
The claims of Groups I and II are linked so as to form a single general inventive concept. In other words, the claims of Groups I and II share a common special technical feature, which defines the contribution that each claim makes over the prior art. In this respect, both Groups I and II contain claims 12-15. The Office Action recognizes this overlap when it states that claims 12-15 "will be examined with either Group I or Group II, if elected" (see Office Action at page 3, first paragraph). Moreover, claims 16 and 17 relate to an isolated or purified lipoxygenase obtainable by the method of claims 12 and 13, respectively, claims 26 and 27 relate to methods of using the isolated or purified lipoxygenase, and claims 18-25 relate to a nucleic acid encoding the isolated or purified lipoxygenase, a vector comprising the nucleic acid, a cell comprising the vector, and a plant

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comprising the cell. Thus, the "special technical feature" common to the claims of Groups I and II is the isolated and purified lipxygenase. Given the special technical feature common to the claims of Groups I and II, a search for prior art with respect to either Group I or Group II would likely uncover references that would be considered by the Examiner during the examination of the other group. Furthermore, the fact that the subject matter of Group I substantially overlaps with the subject matter of Group II (see, e.g., claims 12-15) is at least *prima facie* evidence that there would be no undue burden on the Examiner to examine the claims of at least Groups I and II together.

In view of the foregoing, Applicants request that the requirement for restriction be withdrawn, at least in part, and that the claims of Groups I and II be examined together.

Respectfully submitted,



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